

FILED

JUL 11 2019

RACHELLE L. HARZ
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION

CASE NO. 624
MASTER DOCKET
NO.: BER-L-7859-17

QUALIFIED PROTECTIVE ORDER

Upon Motion by Plaintiffs' *Liaison*/ Lead Counsel, and for good cause shown:

IT IS HEREBY ORDERED AS FOLLOWS:

1. It is understood that counsel for the individuals who are the subject of the Confidential Settlement Agreement must resolve any potential Part A and/or Part B fee-for-service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments for those such individuals who are or were Medicare beneficiaries.
2. To satisfy the lien resolution aspects of the Confidential Settlement, Plaintiffs' Executive Committee has retained Archer Systems, LLC ("Archer") to identify and resolve potential healthcare liens with Medicaid agencies, TRICARE, Veteran's Administration, Department of Defense, Indian Health Services, and private health insurers, (hereinafter, collectively "the Agencies") claim(s) related to settlements, judgments, awards, or other payments associated with the Settling Individuals who are or were beneficiaries of the various Agencies.

3. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit lists of information, including protected health information and other related information regarding the Settling Individuals to Archer, rather than providing copies of individual HIPAA authorizations and information on a claimant-by-claimant basis, including any third party authorized by Archer or the Court to assist in the resolution of the Agencies' potential liens and reimbursement claims.
4. As such, it is hereby ordered:
 - a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from Plaintiffs/claimants by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify the Settling Individuals; (b) eligibility and entitlement information for the Settling Individuals; (c) claims information relating to the past, present, or future health care of the Settling Individuals; (d) claims information relating to the provision of healthcare to the Settling Individuals; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to the Settling Individuals.

- b. Each Agency is hereby authorized and directed to transmit to Archer to assist in the resolution of potential liens or reimbursement claims, any information, including claims information and other protected health information, for the Settling Individuals against whom they may assert liens or reimbursement claims.
- c. Archer shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation, including compliance with any applicable Court orders or other legal obligations. Similarly, the Agencies shall only use the information for the specific purposes of transmitting to Archer any information, including claims information and other protected health information, for those Settling Individuals against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information for the Settling Individuals available to those within their respective Agency who need access to the information for the Settling Individuals for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.
- d. Archer shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by Archer with respect to its own confidential proprietary information.

The Court directs the Clerk to file a copy of this Order on the Judiciary Website and the Order will apply to those cases encompassed in the Private Settlement Agreement announced on November 2, 2018.

SO ORDERED this 11th day of July, 2019.

A handwritten signature in cursive script that reads "Rachelle L. Harz". The signature is written in black ink and is positioned above a horizontal line.

HON. RACHELLE L. HARZ, J.S.C.